

EXHIBIT 14

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And Cyclopiian Music, Inc.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

GLENN DANZIG, an individual,

Plaintiff,

vs.

GERALD CAIAFA, an individual;
CYCLOPIIAN MUSIC, INC., a
corporation; and DOES 1 through 10,
inclusive,

Defendants.

Case No. 14-CV-02540 RGK (RZx)

**DEFENDANTS' OBJECTIONS AND
RESPONSES TO PLAINTIFF'S
FIRST REQUEST FOR
PRODUCTION**

1 Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, Defendants
2 Gerard Caiafa and Cycloplan Music, Inc. (collectively, "Defendants") hereby respond
3 to Plaintiff Glenn Danzig's ("Plaintiff") First Set of Requests for Production (the
4 "Requests").

5 **PRELIMINARY STATEMENT**

6 The following responses and objections to the Requests are each made on the
7 basis of the information that is presently known and available to Defendants and their
8 attorneys, and include hearsay information and other data inadmissible in evidence at
9 trial although it may be discoverable. Defendants' discovery, investigation, and
10 preparation for trial are not yet completed and are continuing as of the date of this
11 response. Accordingly, the responses and objections set forth below represent only
12 information currently available and known following a reasonable investigation within
13 the time and resources available. Defendants expressly reserve the right to continue
14 discovery and investigation herein for facts, documents, witnesses, and supplemental
15 data that may reveal information that, if presently within Defendants' knowledge,
16 would have been included in these objections and responses. Defendants also
17 expressly reserve the right to present additional information as may be disclosed
18 through continuing investigation and discovery. These responses and objections are
19 made solely for purposes of discovery in this action.

20 **GENERAL OBJECTIONS**

21 In addition to the specific objections that may be contained within Defendants'
22 responses to the Requests, each response herein is made subject to the following
23 General Objections, whether or not specifically referenced in those responses. No
24 waiver, express or implied, of any of Defendants' General Objections is intended or
25 should be inferred by the nature of any individual objection or response.

26 1. Defendants object to the Requests to the extent they seek information
27 and/or documents that are or may be protected from disclosure, including on the basis
28 of the attorney-client privilege, the work product doctrine, tax privilege, expert

1 privilege, and any other applicable privilege or bases for protection under Rule 26 of
2 the Federal Rules of Civil Procedure or other applicable law. Any inadvertent
3 disclosure of such information, or documents reflecting such information, shall not be
4 deemed a waiver of any such privilege or protection.

5 2. Defendants object to providing any requested documents or information
6 to the extent that searching for, and/or providing, such documents or information
7 would be oppressive, unduly burdensome, and unreasonably expensive or would
8 require an unreasonable investigation on the part of Defendants. In responding to the
9 Requests, Defendants have made a reasonable inquiry and search of material and
10 information that are in their possession, custody, or control in those places where
11 information responsive to the Requests is most likely to be found. To the extent
12 Plaintiff seeks to require Defendants to undertake any action beyond that described
13 above, Defendants object to the Requests as unduly burdensome, oppressive, not
14 reasonably calculated to lead to the discovery of admissible evidence, harassing and
15 seeking documents and information not within Defendants' possession, custody, or
16 control.

17 3. Defendants object to the Requests to the extent that they seek "all"
18 documents or materials of a certain description where it would be unduly burdensome
19 to search for and produce "all" documents or materials technically responsive to those
20 Requests. Defendants will not produce "all" documents where it would be unduly
21 burdensome to do so but will provide documents reasonably sufficient to respond to
22 the subject matter of the Requests.

23 4. Defendants object to the Requests to the extent that they are not limited in
24 time and/or call for the production of documents outside the applicable statute of
25 limitations and, therefore, are overbroad, unduly burdensome, and not reasonably
26 calculated to lead to the discovery of admissible evidence.

27 5. Defendants object to the Requests to the extent that they attempt to alter
28 the plain meaning or understanding of any term or attempt to impose obligations on

1 Defendants that are inconsistent with and/or in addition to those required under the
2 Federal Rules of Civil Procedure.

3 6. Defendants object to the definition of “you” and “your,” as overbroad and
4 unduly burdensome to the extent that it seeks to encompass documents and things
5 outside the custody and control of the Defendants in this action. Defendants also
6 object to this definition because it includes Caiafa and/or Cyclopian’s “attorneys” and,
7 thus, seeks information protected by the attorney-client privilege and work product
8 doctrine. Defendants also object to this definition because it include “accountants”
9 and, thus, may seek information protected by the tax privilege.

10 7. Defendants object to the Requests to the extent that they are vague or
11 ambiguous, fail to describe the documents sought with sufficient particularity to allow
12 for a meaningful response by Defendants, or contain undefined terms which are
13 material to Defendants’ understanding of the Requests.

14 8. Defendants object to the Requests to the extent that they seek information
15 and/or documents already in Plaintiff’s possession.

16 9. Defendants object to the Requests to the extent that they seek information
17 and/or documents that are a matter of public record and/or are equally accessible and
18 available to Plaintiff from examination of public records.

19 10. Defendants object to the Requests to the extent that they seek information
20 and/or documents outside of Defendants’ possession, custody or control.

21 11. Defendants object to the Requests to the extent that they seek disclosure
22 of information that may be confidential, proprietary, commercially sensitive, or trade
23 secret information. Defendants object to providing any such documents and/or
24 information in the absence of a mutually-agreeable protective order protecting
25 Defendants’ confidentiality rights in such document or information and limiting their
26 use to this action. Accordingly, Defendants’ agreement to produce documents and
27 information that are or contain confidential, proprietary, commercially sensitive, or
28

1 trade secret information shall mean upon entry of such a mutually-agreeable protective
2 order, which to date Plaintiff has refused to enter into.

3 12. Defendants object to the Requests to the extent they seek the disclosure of
4 information protected by the right of privacy or any analogous right of Defendants, its
5 employees, and/or or any other third parties under California and federal law.

6 13. To the extent that Defendants do not object in whole or in part to a
7 Request and respond that they will produce documents in response to that Request,
8 such response is not a representation by Defendants that any such documents exist but
9 that if such documents do exist and are located after a reasonably diligent search,
10 Defendants will produce those documents subject to their objections.

11 14. Defendants' investigation of facts and discovery of documents relating to
12 this action is continuing. Defendants' objections and responses to the Requests are
13 based only upon such information available to and known to Defendants at the time of
14 response. Defendants reserve the right to modify and/or supplement any and all of
15 their objections and responses to the Requests as additional information and/or
16 documents are obtained or become available or known to Defendants.

17 15. Without waiving or limiting the foregoing General Objections, or any of
18 the Specific Objections set forth herein, Defendants provide the responses below,
19 preserving and intending to preserve:

- 20 a. the right to object to, *inter alia*, the relevancy, materiality, privilege or
21 admissibility of evidence and/or any subject thereof;
22 b. the right to object on any ground to the use of evidence and/or the
23 information contained therein in any proceeding; and
24 c. the right to object, upon any ground, to any demand for further responses
25 to the Requests or to any other discovery request involving or relating to
26 the subject matter of the Requests to which answers are herein or hereafter
27 given.
28

1 **SPECIFIC RESPONSES AND OBJECTIONS**

2 Defendants incorporate by reference, as if set forth therein, each of the foregoing
3 General Objections in the following responses.

4 **REQUEST FOR PRODUCTION NO. 1:**

5 If you deny that it was plaintiff's original idea to use the Fiend Skull design in
6 connection with the Misfits, all writings that support that denial. (For purposes of
7 these requests, "writings" include, but are not limited to, writings, recordings,
8 photographs, originals and duplicates as those terms are defined in FRE 1001, whether
9 stored in physical, electronic, or any other form. For purposes of these requests, "you"
10 and "your" mean, individually and collectively, Caiafa and Cycloplan, and any person
11 or entity acting on behalf of either or both of them including, but not limited to, any
12 manager, agent, attorney, accountant, or merchandiser.)

13 **RESPONSE:**

14 In addition to the General Objections, Defendants object to Request No. 1 on the
15 grounds that it is vague and ambiguous as to the phrase "in connection with the
16 Misfits." Defendants also object to Request No. 1 on the grounds that it is overbroad,
17 unduly burdensome and calls for the production of documents that are not relevant to
18 any claim or defense in this action and not reasonably calculated to lead to the
19 discovery of admissible evidence. Defendants further object to this Request to the
20 extent that it seeks documents or information protected by the attorney-client privilege
21 and/or work product immunity.

22 Subject to and without waiving the foregoing General and Specific Objections,
23 Defendants, upon entry of an appropriate confidentiality order, will produce
24 responsive, non-privileged documents, if any, found after reasonable investigation and
25 which were not previously provided to or by Plaintiff in the trademark Opposition and
26 Cancellation proceedings pending before the Trademark Trial and Appeal Board.

REQUEST FOR PRODUCTION NO. 2:

If you contend that any person or entity other than plaintiff first incorporated the Fiend Skull design for use in connection with the Misfits before plaintiff did so, all writings that support that contention.

RESPONSE:

In addition to the General Objections, Defendants object to Request No. 2 on the grounds that it is vague and ambiguous as to the phrase "in connection with the Misfits." Defendants further object to Request No. 2 on the grounds that it is based on a false premise. Defendants also object to Request No. 2 on the grounds that it is overbroad, unduly burdensome and calls for the production of documents that are not relevant to any claim or defense in this action and not reasonably calculated to lead to the discovery of admissible evidence. Defendants further object to this Request to the extent that it seeks documents or information protected by the attorney-client privilege and/or work product immunity.

REQUEST FOR PRODUCTION NO. 3:

If you contend that the Fiend Skull design was not associated [sic] the Misfits when plaintiff was a member of the group, all writings that support that contention.

RESPONSE:

In addition to the General Objections, Defendants object to Request No. 3 on the grounds that it is vague and ambiguous as to the phrase "was not associated [with] the Misfits" Defendants further object to Request No. 3 on the ground that it seeks documents that are already in Plaintiff's possession, custody or control and/or are matters of public record that are equally available and accessible to Plaintiff. Defendants object to this Request to the extent that it seeks documents or information protected by the attorney-client privilege and/or work product doctrine. Defendants also object to Request No. 3 on the grounds that it is overbroad, unduly burdensome and calls for the production of documents that are not relevant to any claim or defense

1 in this action and not reasonably calculated to lead to the discovery of admissible
2 evidence.

3 Subject to and without waiving the foregoing General and Specific Objections,
4 Defendants, upon entry of an appropriate confidentiality order, will produce
5 responsive, non-privileged documents, if any, found after reasonable investigation and
6 which were not previously provided to or by Plaintiff in the trademark Opposition and
7 Cancellation proceedings pending before the Trademark Trial and Appeal Board.

8 **REQUEST FOR PRODUCTION NO. 4:**

9 If you contend that plaintiff abandoned any right to commercially exploit the
10 Fiend Skull design, all writings that support that contention.

11 **RESPONSE:**

12 In addition to the General Objections, Defendants object to Request No. 4 on the
13 ground that it seeks documents that are already in Plaintiff's possession, custody or
14 control and/or are matters of public record that are equally available and accessible to
15 Plaintiff. Defendants further object to this Request to the extent that it seeks
16 documents or information protected by the attorney-client privilege and/or work
17 product immunity.

18 Subject to and without waiving the foregoing General and Specific Objections,
19 Defendants, upon entry of an appropriate confidentiality order, will produce
20 responsive, non-privileged documents, if any, found after reasonable investigation and
21 which were not provided to and/or by Plaintiff in the trademark Opposition and
22 Cancellation proceedings pending before the Trademark Trial and Appeal Board.

23 **REQUEST FOR PRODUCTION NO. 5:**

24 All writings that refer or relate to the creation of the Fiend Skull design as used
25 in connection with the Misfits.

26 **RESPONSE:**

27 In addition to the General Objections, Defendants object to Request No. 5 on the
28 grounds that it is vague and ambiguous as to the use of the undefined phrases "creation

1 of" and "the Misfits." Defendants further object to this Request to the extent that it
2 seeks documents or information protected by the attorney-client privilege and/or work
3 product immunity. Defendants further object to Request No. 5 on the grounds that it is
4 overbroad, unduly burdensome and calls for the production of documents that are not
5 relevant to any claim or defense in this action and not reasonably calculated to lead to
6 the discovery of admissible evidence.

7 Subject to and without waiving the foregoing General and Specific Objections,
8 Defendants, upon entry of an appropriate confidentiality order, will produce
9 responsive, non-privileged documents, if any, found after reasonable investigation and
10 which were not provided to and/or by Plaintiff in the trademark Opposition and
11 Cancellation proceedings pending before the Trademark Trial and Appeal Board.

12 **REQUEST FOR PRODUCTION NO. 6:**

13 All writings that refer or relate to the creation of the Misfits "Horror Font" logo
14 and other related designs, logos and artwork including, but not limited to, U.S.
15 Trademark Registration Nos. 2,634,215 and 2,735,848 (individually and collectively,
16 the "Misfits Marks").

17 **RESPONSE:**

18 In addition to the General Objections, Defendants object to Request No. 6 on the
19 grounds that it is vague and ambiguous as to the use of the undefined phrase "creation
20 of." Defendants further object to Request No. 6 on the grounds that it is overbroad,
21 unduly burdensome and calls for the production of documents that are not relevant to
22 any claim or defense in this action and not reasonably calculated to lead to the
23 discovery of admissible evidence. Defendants further object to this Request to the
24 extent that it seeks documents or information protected by the attorney-client privilege
25 and/or work product immunity.

26 **REQUEST FOR PRODUCTION NO. 7:**

27 If you contend that you created any of the Misfits Marks, all writings that you
28 contend support that contention.

1 **RESPONSE:**

2 In addition to the General Objections, Defendants object to Request No. 7 on the
3 grounds that it is vague and ambiguous as to the use of the undefined word "created."
4 Defendants further object to Request No. 7 on the grounds that it is overbroad, unduly
5 burdensome and calls for the production of documents that are not relevant to any
6 claim or defense in this action and not reasonably calculated to lead to the discovery of
7 admissible evidence. Defendants further object to this Request to the extent that it
8 seeks documents or information protected by the attorney-client privilege and/or work
9 product immunity.

10 **REQUEST FOR PRODUCTION NO. 8:**

11 If you contend that plaintiff abandoned any right to commercially exploit any
12 Misfits Mark, all writings that support that contention.

13 **RESPONSE:**

14 In addition to the General Objections, Defendants object to Request No. 8 on the
15 ground that it seeks documents that are already in Plaintiff's possession, custody or
16 control and/or are matters of public record that are equally available and accessible to
17 Plaintiff. Defendants further object to Request No. 8 on the grounds that it is
18 overbroad, unduly burdensome and calls for the production of documents that are not
19 relevant to any claim or defense in this action and not reasonably calculated to lead to
20 the discovery of admissible evidence. Defendants further object to this Request to the
21 extent that it seeks documents or information protected by the attorney-client privilege
22 and/or work product immunity.

23 **REQUEST FOR PRODUCTION NO. 9:**

24 Your complete file concerning the lawsuit entitled *Gerald Caiafa, Paul Caiafa,*
25 *Frank Licata and Julio Valverde v. Glenn Anzalone p/k/a Danzig and dba Plan 9*
26 *Records and Caroline Records, Inc.*, 92 Civ. 6908 (LP) (the "Lawsuit") including, but
27 not limited to, all pleadings, correspondence, discovery requests, discovery responses,
28 deposition transcripts, hearing transcripts, settlement briefs, and all other material

1 produced, propounded, filed, exchanged or communicated by the parties in the course
2 of or in connection with the 1992 Lawsuit, whether informally or formally through
3 discovery or otherwise.

4 **RESPONSE:**

5 In addition to the General Objections, Defendants object to Request No. 9 on the
6 ground that it seeks documents that are already in Plaintiff's possession, custody or
7 control. Defendants further object to this Request to the extent that it seeks documents
8 or information protected by the attorney-client privilege and/or work product
9 immunity. Defendants also object to Request No. 9 on the grounds that it is overbroad,
10 unduly burdensome and calls for the production of documents that are not relevant to
11 any claim or defense in this action and not reasonably calculated to lead to the
12 discovery of admissible evidence.

13 **REQUEST FOR PRODUCTION NO. 10:**

14 All writings that refer or relate to the settlement agreement dated as of
15 December 31, 1994 (the "Agreement"), including, but not limited to, the Agreement,
16 all drafts of the Agreement, all writings relating to or reflecting negotiations of the
17 Agreement, and all "marked up" drafts of the Agreement.

18 **RESPONSE:**

19 In addition to the General Objections, Defendants object to Request No. 10 on
20 the ground that it seeks documents that are already in Plaintiff's possession, custody or
21 control. Defendants further object to this Request to the extent that it seeks documents
22 or information protected by the attorney-client privilege and/or work product
23 immunity. Defendants also object to Request No. 10 on the grounds that it is
24 overbroad, unduly burdensome and calls for the production of documents that are not
25 relevant to any claim or defense in this action and not reasonably calculated to lead to
26 the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 11:

All writings that discuss, reflect or communicate any terms of the Agreement, including, but not limited to, all writings between you, on the one hand, and on the other hand, plaintiff or any representative of plaintiff, and all writings between you and any third party.

RESPONSE:

In addition to the General Objections, Defendants object to Request No. 11 on the ground that it seeks documents that are already in Plaintiff's possession, custody or control. Defendants further object to this Request to the extent that it seeks documents or information protected by the attorney-client privilege and/or work product immunity. Defendants also object to Request No. 11 on the grounds that it is overbroad, unduly burdensome and calls for the production of documents that are not relevant to any claim or defense in this action and not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 12:

All writings referring to the Agreement and rights to use the Misfits Marks.

RESPONSE:

In addition to the General Objections, Defendants object to Request No. 12 to the extent that it seeks documentation or other information protected by the attorney-client privilege and/or work product immunity. Defendants further object to Request No. 12 on the grounds that it is overbroad, unduly burdensome and calls for the production of documents that are not relevant to any claim or defense in this action and not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 13:

All writings referring to the Agreement and rights to use the Fiend Skull design.

RESPONSE:

In addition to the General Objections, Defendants object to Request No. 13 on the ground that it seeks documents that are already in Plaintiff's possession, custody or

1 control. Defendants further object to this Request to the extent that it seeks documents
2 or information protected by the attorney-client privilege and/or work product
3 immunity. Defendants also object to Request No. 13 on the grounds that it is
4 overbroad, unduly burdensome and calls for the production of documents that are not
5 relevant to any claim or defense in this action and not reasonably calculated to lead to
6 the discovery of admissible evidence.

7 Subject to and without waiving the foregoing General and Specific Objections,
8 Defendants, upon entry of an appropriate confidentiality order, will produce
9 responsive, non-privileged documents, if any, found after a reasonable investigation
10 and which were not provided to and/or by Plaintiff in the trademark Opposition and
11 Cancellation proceedings pending before the Trademark Trial and Appeal Board.

12 **REQUEST FOR PRODUCTION NO. 14:**

13 All writings that constitute or reflect any, contract, license, amendment,
14 modification, or other agreement between you and Hot Topic concerning the Fiend
15 Skull design.

16 **RESPONSE:**

17 In addition to the General Objections, Defendants object to Request No. 14 on
18 the grounds that it calls for documents and/or information protected by the right to
19 privacy (under California law or any other law) of Defendants and/or any third party.
20 Defendants further object to the extent this Request seeks information subject to a
21 confidentiality or non-disclosure agreement.

22 Subject to and without waiving the foregoing General Objections, Defendants,
23 upon entry of an appropriate confidentiality order, will produce responsive, non-
24 privileged documents, if any, found after a reasonable investigation and which were
25 not provided to and/or by Plaintiff in the trademark Opposition and Cancellation
26 proceedings pending before the Trademark Trial and Appeal Board.

1 **REQUEST FOR PRODUCTION NO. 15:**

2 All writings that constitute or reflect any, contract, license, amendment,
3 modification, or other agreement between you and Hot Topic concerning any Misfits
4 Mark.

5 **RESPONSE:**

6 In addition to the General Objections, Defendants object to Request No. 15 on
7 the grounds that it is overbroad, unduly burdensome and calls for the production of
8 documents that are not relevant to any claim or defense in this action and not
9 reasonably calculated to lead to the discovery of admissible evidence. Defendants
10 object to the extent this Request calls for documents and/or information protected by
11 the right to privacy (under California law or any other law) of Defendants and/or any
12 third party. Defendants further object to the extent this Request seeks information
13 subject to a confidentiality or non-disclosure agreement.

14 **REQUEST FOR PRODUCTION NO. 16:**

15 All writings that refer or relate to whether plaintiff could license the Fiend Skull
16 design to Hot Topic.

17 **RESPONSE:**

18 In addition to the General Objections, Defendants object to Request No. 16 to
19 the extent that it seeks documents or information protected by the attorney-client
20 privilege and/or work product immunity. Defendants object to the extent this Request
21 calls for documents and/or information protected by the right to privacy (under
22 California law or any other law) of Defendants and/or any third party. Defendants
23 further object to the extent this Request seeks information subject to a confidentiality
24 or non-disclosure agreement.

25 Subject to and without waiving the foregoing General and Specific Objections,
26 Defendants, upon entry of an appropriate confidentiality order, will produce
27 responsive, non-privileged documents, if any, found after a reasonable investigation
28

1 and which were not provided to and/or by Plaintiff in the trademark Opposition and
2 Cancellation proceedings pending before the Trademark Trial and Appeal Board.

3 **REQUEST FOR PRODUCTION NO. 17:**

4 All writings that refer or relate to whether plaintiff could license any Misfits
5 Mark to Hot Topic.

6 **RESPONSE:**

7 In addition to the General Objections, Defendants object to Request No. 17 to
8 the extent that it seeks documents or information protected by the attorney-client
9 privilege and/or work product immunity. Defendants further object to Request No. 17
10 on the grounds that it is overbroad, unduly burdensome and calls for the production of
11 documents that are not relevant to any claim or defense in this action and not
12 reasonably calculated to lead to the discovery of admissible evidence. Defendants
13 object to the extent this Request calls for documents and/or information protected by
14 the right to privacy (under California law or any other law) of Defendants and/or any
15 third party. Defendants further object to the extent this Request seeks information
16 subject to a confidentiality or non-disclosure agreement.

17 **REQUEST FOR PRODUCTION NO. 18:**

18 All writings that contain any statement, express or implied, from you to Hot
19 Topic that if Hot Topic were to license the Fiend Skull design from plaintiff, Hot
20 Topic could or would incur any liability to you.

21 **RESPONSE:**

22 In addition to the General Objections, Defendants object to Request No. 18 on
23 the grounds that it calls for documents and/or information protected by the right to
24 privacy (under California law or any other law) of Defendants and/or any third party.
25 Defendants further object to the extent this Request seeks information subject to a
26 confidentiality or non-disclosure agreement.

27 Subject to and without waiving the foregoing General Objections, Defendants,
28 upon entry of an appropriate confidentiality order, will produce responsive, non-

1 privileged documents, if any, found after a reasonable investigation and which were
2 not provided to and/or by Plaintiff in the trademark Opposition and Cancellation
3 proceedings pending before the Trademark Trial and Appeal Board.

4 **REQUEST FOR PRODUCTION NO. 19:**

5 All writings that contain any statement, express or implied, from you to Hot
6 Topic that if Hot Topic were to license the Fiend Skull design from plaintiff, you could
7 or would sue Hot Topic.

8 **RESPONSE:**

9 In addition to the General Objections, Defendants object to Request No. 19 on
10 the grounds that it calls for documents and/or information protected by the right to
11 privacy (under California law or any other law) of Defendants and/or any third party.
12 Defendants further object to the extent this Request seeks information subject to a
13 confidentiality or non-disclosure agreement.

14 Subject to and without waiving the foregoing General Objections, Defendants,
15 upon entry of an appropriate confidentiality order, will produce responsive, non-
16 privileged documents, if any, found after a reasonable investigation and which were
17 not provided to and/or by Plaintiff in the trademark Opposition and Cancellation
18 proceedings pending before the Trademark Trial and Appeal Board.

19 **REQUEST FOR PRODUCTION NO. 20:**

20 All writings that contain any statement, express or implied, from you to Hot
21 Topic that if Hot Topic were to license any Misfits Mark from plaintiff, Hot Topic
22 could or would incur liability to you.

23 **RESPONSE:**

24 In addition to the General Objections, Defendants object to Request No. 20 on
25 the grounds that it is overbroad, unduly burdensome and calls for the production of
26 documents that are not relevant to any claim or defense in this action and not
27 reasonably calculated to lead to the discovery of admissible evidence. Defendants
28 object to the extent this Request calls for documents and/or information protected by

1 the right to privacy (under California law or any other law) of Defendants and/or any
2 third party. Defendants further object to the extent this Request seeks information
3 subject to a confidentiality or non-disclosure agreement.

4 **REQUEST FOR PRODUCTION NO. 21:**

5 All writings that contain any statement, express or implied, from you to Hot
6 Topic that if Hot Topic were to license any Misfits Mark from plaintiff, you could or
7 would sue Hot Topic.

8 **RESPONSE:**

9 In addition to the General Objections, Defendants object to Request No. 21 on
10 the grounds that it is overbroad, unduly burdensome and calls for the production of
11 documents that are not relevant to any claim or defense in this action and not
12 reasonably calculated to lead to the discovery of admissible evidence. Defendants
13 object to the extent this Request calls for documents and/or information protected by
14 the right to privacy (under California law or any other law) of Defendants and/or any
15 third party. Defendants further object to the extent this Request seeks information
16 subject to a confidentiality or non-disclosure agreement.

17 **REQUEST FOR PRODUCTION NO. 22:**

18 All writings that reflect or contain any statement by you to Hot Topic
19 concerning actions you would take in the event that Hot Topic agreed to purchase or
20 purchased from plaintiff any purported right to sell merchandise bearing the Fiend
21 Skull design.

22 **RESPONSE:**

23 In addition to the General Objections, Defendants object to Request No. 22 to
24 the extent that Defendants object to the extent this Request calls for documents and/or
25 information protected by the right to privacy (under California law or any other law) of
26 Defendants and/or any third party. Defendants further object to the extent this Request
27 seeks information subject to a confidentiality or non-disclosure agreement.

1 Subject to the foregoing General Objections, Defendants, upon entry of an
2 appropriate confidentiality order, will produce responsive, non-privileged documents,
3 if any, found after a reasonable investigation and which were not provided to and/or by
4 Plaintiff in the trademark Opposition and Cancellation proceedings pending before the
5 Trademark Trial and Appeal Board.

6 **REQUEST FOR PRODUCTION NO. 23:**

7 All writings that reflect or contain any statement by you to Hot Topic
8 concerning actions you would take in the event that Hot Topic agreed to purchase or
9 purchased from plaintiff any right to sell merchandise bearing any Misfits Mark.

10 **RESPONSE:**

11 In addition to the General Objections, Defendants object to Request No. 23 on
12 the grounds that it is overbroad, unduly burdensome and calls for the production of
13 documents that are not relevant to any claim or defense in this action and not
14 reasonably calculated to lead to the discovery of admissible evidence. Defendants
15 object to the extent this Request calls for documents and/or information protected by
16 the right to privacy (under California law or any other law) of Defendants and/or any
17 third party. Defendants further object to the extent this Request seeks information
18 subject to a confidentiality or non-disclosure agreement.

19 **REQUEST FOR PRODUCTION NO. 24:**

20 All writings that refer or relate to, or that reflect, any request by Hot Topic to
21 you to consent to Hot Topic licensing designs incorporating the Fiend Skull from
22 plaintiff.

23 **RESPONSE:**

24 In addition to the General Objections, Defendants object to Request No. 24 to
25 the extent that it seeks documents or information protected by the attorney-client
26 privilege and/or work product immunity. Defendants object to the extent this Request
27 calls for documents and/or information protected by the right to privacy (under
28 California law or any other law) of Defendants and/or any third party. Defendants

1 further object to the extent this Request seeks information subject to a confidentiality
2 or non-disclosure agreement.

3 Subject to and without waiving the foregoing General Objections, Defendants,
4 upon entry of an appropriate confidentiality order, will produce responsive, non-
5 privileged documents, if any, found after a reasonable investigation and which were
6 not provided to and/or by Plaintiff in the trademark Opposition and Cancellation
7 proceedings pending before the Trademark Trial and Appeal Board.

8 **REQUEST FOR PRODUCTION NO. 25:**

9 All writings that refer or relate to, or that reflect, any request by Hot Topic to
10 you to consent to Hot Topic licensing designs incorporating any Misfits Mark from
11 plaintiff.

12 **RESPONSE:**

13 In addition to the General Objections, Defendants object to Request No. 25 on
14 the grounds that it is overbroad, unduly burdensome and calls for the production of
15 documents that are not relevant to any claim or defense in this action and not
16 reasonably calculated to lead to the discovery of admissible evidence. Defendants
17 object to this Request to the extent that it seeks documents or information protected by
18 the attorney-client privilege and/or work product immunity. Defendants object to the
19 extent this Request calls for documents and/or information protected by the right to
20 privacy (under California law or any other law) of Defendants and/or any third party.
21 Defendants further object to the extent this Request seeks information subject to a
22 confidentiality or non-disclosure agreement.

23 **REQUEST FOR PRODUCTION NO. 26**

24 All writings that refer or relate to, or that reflect, any statement by you to Hot
25 Topic that you would not consent to Hot Topic licensing the Fiend Skull designs from
26 plaintiff.

1 **RESPONSE:**

2 In addition to the General Objections, Defendants object to Request No. 26 to
3 the extent that it seeks documents or information protected by the attorney-client
4 privilege and/or work product immunity. Defendants object to the extent this Request
5 calls for documents and/or information protected by the right to privacy (under
6 California law or any other law) of Defendants and/or any third party. Defendants
7 further object to the extent this Request seeks information subject to a confidentiality
8 or non-disclosure agreement.

9 Subject to and without waiving the foregoing General Objections, Defendants,
10 upon entry of an appropriate confidentiality order, will produce responsive, non-
11 privileged documents, if any, found after a reasonable investigation and which were
12 not provided to and/or by Plaintiff in the trademark Opposition and Cancellation
13 proceedings pending before the Trademark Trial and Appeal Board.

14 **REQUEST FOR PRODUCTION NO. 27**

15 All writings that refer or relate to, or that reflect, any statement by you to Hot
16 Topic that you would not consent to Hot Topic licensing any Misfits Mark from
17 plaintiff.

18 **RESPONSE:**

19 In addition to the General Objections, Defendants object to Request No. 27 on
20 the grounds that it is overbroad, unduly burdensome and calls for the production of
21 documents that are not relevant to any claim or defense in this action and not
22 reasonably calculated to lead to the discovery of admissible evidence. Defendants
23 object to this Request to the extent that it seeks documents or information protected by
24 the attorney-client privilege and/or work product immunity. Defendants object to the
25 extent this Request calls for documents and/or information protected by the right to
26 privacy (under California law or any other law) of Defendants and/or any third party.
27 Defendants further object to the extent this Request seeks information subject to a
28 confidentiality or non-disclosure agreement.

1 **REQUEST FOR PRODUCTION NO. 28**

2 All writings that refer or relate to, or that reflect, any request by any retailer to
3 you to consent to the retailer licensing the Fiend Skull from plaintiff.

4 **RESPONSE:**

5 In addition to the General Objections, Defendants object to Request No. 28 on
6 the grounds that it is overbroad, unduly burdensome and calls for the production of
7 documents that are not relevant to any claim or defense in this action and not
8 reasonably calculated to lead to the discovery of admissible evidence. Defendants
9 object to this Request to the extent that it seeks documents or information protected by
10 the attorney-client privilege and/or work product immunity. Defendants object to the
11 extent this Request calls for documents and/or information protected by the right to
12 privacy (under California law or any other law) of Defendants and/or any third party.
13 Defendants further object to the extent this Request seeks information subject to a
14 confidentiality or non-disclosure agreement.

15 **REQUEST FOR PRODUCTION NO. 29**

16 All writings that refer to or reflect any representation by you to any wholesaler
17 or retailer that plaintiff has no right to license any Misfits Mark.

18 **RESPONSE:**

19 In addition to the General Objections, Defendants object to Request No. 29 on
20 the grounds that it is overbroad, unduly burdensome and calls for the production of
21 documents that are not relevant to any claim or defense in this action and not
22 reasonably calculated to lead to the discovery of admissible evidence. Defendants
23 object to this Request to the extent that it seeks documents or information protected by
24 the attorney-client privilege and/or work product immunity. Defendants object to the
25 extent this Request calls for documents and/or information protected by the right to
26 privacy (under California law or any other law) of Defendants and/or any third party.
27 Defendants further object to the extent this Request seeks information subject to a
28 confidentiality or non-disclosure agreement.

REQUEST FOR PRODUCTION NO. 30

All writings that refer to or reflect any representation by you to any wholesaler or retailer that you own the exclusive right to license the Misfits Marks.

RESPONSE:

In addition to the General Objections, Defendants object to Request No. 30 on the grounds that it is overbroad, unduly burdensome and calls for the production of documents that are not relevant to any claim or defense in this action and not reasonably calculated to lead to the discovery of admissible evidence. Defendants object to this Request to the extent that it seeks documents or information protected by the attorney-client privilege and/or work product immunity. Defendants object to the extent this Request calls for documents and/or information protected by the right to privacy (under California law or any other law) of Defendants and/or any third party. Defendants further object to the extent this Request seeks information subject to a confidentiality or non-disclosure agreement.

REQUEST FOR PRODUCTION NO. 31

All writings that refer to or reflect any representation by you to any wholesaler or retailer that plaintiff has no right to license the Fiend Skull design.

RESPONSE:

In addition to the General Objections, Defendants object to Request No. 31 on the grounds that it is overbroad, unduly burdensome and calls for the production of documents that are not relevant to any claim or defense in this action and not reasonably calculated to lead to the discovery of admissible evidence. Defendants object to this Request to the extent that it seeks documents or information protected by the attorney-client privilege and/or work product immunity. Defendants object to the extent this Request calls for documents and/or information protected by the right to privacy (under California law or any other law) of Defendants and/or any third party. Defendants further object to the extent this Request seeks information subject to a confidentiality or non-disclosure agreement.

1 **REQUEST FOR PRODUCTION NO. 32**

2 All writings that refer to or reflect any representation by you to any wholesaler
3 or retailer that you own the exclusive right to license the Fiend Skull design.

4 **RESPONSE:**

5 In addition to the General Objections, Defendants object to Request No. 32 on
6 the grounds that it is overbroad, unduly burdensome and calls for the production of
7 documents that are not relevant to any claim or defense in this action and not
8 reasonably calculated to lead to the discovery of admissible evidence. Defendants
9 object to this Request to the extent that it seeks documents or information protected by
10 the attorney-client privilege and/or work product immunity. Defendants object to the
11 extent this Request calls for documents and/or information protected by the right to
12 privacy (under California law or any other law) of Defendants and/or any third party.
13 Defendants further object to the extent this Request seeks information subject to a
14 confidentiality or non-disclosure agreement.

15 **REQUEST FOR PRODUCTION NO. 33**

16 All royalty or other statements or accountings you have received from any
17 retailer including, but not limited to, Hot Topic, during the period from April 3, 2010
18 to the present reflecting revenues from sales of products bearing the Fiend Skull
19 design.

20 **RESPONSE:**

21 Defendants object to Request No. 33 on the grounds that it seeks disclosure of
22 information that is confidential, proprietary, commercially sensitive, or trade secret
23 information. Defendants object to providing such documents and/or information in the
24 absence of a mutually-agreeable protective order protecting Defendants'
25 confidentiality rights in such document or information and limiting their use to this
26 action. Defendants further object to Request No. 33 on the grounds that it calls for the
27 production of documents from periods outside the applicable statute of limitations.
28 Defendants also object to Request No. 33 on the grounds that it is overbroad, unduly

1 burdensome and calls for the production of documents that are not relevant to any
2 claim or defense in this action and not reasonably calculated to lead to the discovery of
3 admissible evidence. Defendants object to the extent this Request calls for documents
4 and/or information protected by the right to privacy (under California law or any other
5 law) of Defendants and/or any third party. Defendants object to this Request to the
6 extent it calls for information and/or documents subject to the tax privilege.

7 **REQUEST FOR PRODUCTION NO. 34:**

8 All royalty or other statements or accountings you have received from any
9 retailer including, but not limited to, Hot Topic, during the period from April 3, 2010
10 to the present reflecting revenues from sales of products bearing the any Misfits Mark.

11 **RESPONSE:**

12 Defendants object to Request No. 34 on the grounds that it seeks disclosure of
13 information that is confidential, proprietary, commercially sensitive, or trade secret
14 information. Defendants objects to providing such documents and/or information in
15 the absence of a mutually-agreeable protective order protecting Defendants'
16 confidentiality rights in such document or information and limiting their use to this
17 action. Defendants further object to Request No. 34 on the grounds that it calls for the
18 production of documents from periods outside the applicable statute of limitations.
19 Defendants also object to Request No. 34 on the grounds that it is overbroad, unduly
20 burdensome and calls for the production of documents that are not relevant to any
21 claim or defense in this action and not reasonably calculated to lead to the discovery of
22 admissible evidence. Defendants object to the extent this Request calls for documents
23 and/or information protected by the right to privacy (under California law or any other
24 law) of Defendants and/or any third party. Defendants object to this Request to the
25 extent it calls for information and/or documents subject to the tax privilege.

26 **REQUEST FOR PRODUCTION NO. 35:**

27 All writings that refer to or reflect any representation by you to any wholesaler
28 or retailer that you own the exclusive right to license any Misfits Mark.

1 **RESPONSE:**

2 In addition to the General Objections, Defendants object to Request No. 35 on
3 the ground that it is identical to and, therefore, duplicative of Request No. 30.
4 Defendants further object to Request No. 35 on the grounds that it is overbroad, unduly
5 burdensome and calls for the production of documents that are not relevant to any
6 claim or defense in this action and not reasonably calculated to lead to the discovery of
7 admissible evidence. Defendants object to this Request to the extent that it seeks
8 documents or information protected by the attorney-client privilege and/or work
9 product immunity. Defendants object to the extent this Request calls for documents
10 and/or information protected by the right to privacy (under California law or any other
11 law) of Defendants and/or any third party. Defendants further object to the extent this
12 Request seeks information subject to a confidentiality or non-disclosure agreement.

13 **REQUEST FOR PRODUCTION NO. 36:**

14 All writings that refer to or reflect any representation by you to any wholesaler
15 or retailer that plaintiff has no right to license the Fiend Skull design.

16 **RESPONSE:**

17 In addition to the General Objections, Defendants object to Request No. 36 on
18 the ground that it is identical to and, therefore, duplicative of Request No. 31.
19 Defendants further object to Request No. 36 on the grounds that it is overbroad, unduly
20 burdensome and calls for the production of documents that are not relevant to any
21 claim or defense in this action and not reasonably calculated to lead to the discovery of
22 admissible evidence. Defendants object to this Request to the extent that it seeks
23 documents or information protected by the attorney-client privilege and/or work
24 product immunity. Defendants object to the extent this Request calls for documents
25 and/or information protected by the right to privacy (under California law or any other
26 law) of Defendants and/or any third party. Defendants further object to the extent this
27 Request seeks information subject to a confidentiality or non-disclosure agreement.

1 **REQUEST FOR PRODUCTION NO. 37:**

2 All writings that refer or relate to, or that reflect, any demand that any person or
3 entity cease and desist from selling, manufacturing, advertising, marketing and/or
4 promoting any merchandise bearing any Fiend Skull design, or from any plan to
5 engage in any of the foregoing activities.

6 **RESPONSE:**

7 In addition to the General Objections, Defendants object to Request No. 37 to
8 the extent that it seeks documents or information protected by the attorney-client
9 privilege and/or work product immunity. Defendants further object to Request No. 37
10 on the grounds that it is overbroad, unduly burdensome and calls for the production of
11 documents that are not relevant to any claim or defense in this action and not
12 reasonably calculated to lead to the discovery of admissible evidence. Defendants
13 object to the extent this Request calls for documents and/or information protected by
14 the right to privacy (under California law or any other law) of Defendants and/or any
15 third party.

16 **REQUEST FOR PRODUCTION NO. 38:**

17 All writings that refer or relate to, or that reflect, any demand that any person or
18 entity cease and desist from selling, manufacturing, advertising, marketing and/or
19 promoting any merchandise bearing any Misfits Mark, or from any plan to engage in
20 any of the foregoing activities.

21 **RESPONSE:**

22 In addition to the General Objections, Defendants object to Request No. 38 to
23 the extent that it seeks documents or information protected by the attorney-client
24 privilege and/or work product immunity. Defendants further object to Request No. 38
25 on the grounds that it is overbroad, unduly burdensome and calls for the production of
26 documents that are not relevant to any claim or defense in this action and not
27 reasonably calculated to lead to the discovery of admissible evidence. Defendants
28 object to the extent this Request calls for documents and/or information protected by

1 the right to privacy (under California law or any other law) of Defendants and/or any
2 third party.

3 **REQUEST FOR PRODUCTION NO. 39:**

4 All writings that support your statement to the United States Patent and
5 Trademark Office (the "PTO") in application Serial Number 76138226 that you owned
6 the exclusive rights to the trademark "MISFITS," for International Class 041 goods.

7 **RESPONSE:**

8 In addition to the General Objections, Defendants object to Request No. 39 on
9 the ground that it seeks documents that are already in Plaintiff's possession, custody or
10 control and/or are matters of public record that are equally available and accessible to
11 Plaintiff. Defendants further object to this Request to the extent that it seeks
12 documents or other information protected by the attorney-client privilege and/or work
13 product immunity. Defendants also object to Request No. 39 on the grounds that it is
14 overbroad, unduly burdensome and calls for the production of documents that are not
15 relevant to any claim or defense in this action and not reasonably calculated to lead to
16 the discovery of admissible evidence.

17 **REQUEST FOR PRODUCTION NO. 40:**

18 All writings that support your statement to the PTO in application Serial
19 Number 76138226 that the first use of the trademark "MISFITS," for International
20 Class 041 goods was October 5, 1999.

21 **RESPONSE:**

22 In addition to the General Objections, Defendants object to Request No. 40 on
23 the ground that it seeks documents that are already in Plaintiff's possession, custody or
24 control and/or are matters of public record that are equally available and accessible to
25 Plaintiff. Defendants further object to this Request to the extent that it seeks
26 documents or information protected by the attorney-client privilege and/or work
27 product immunity. Defendants also object to Request No. 40 on the grounds that it is
28 overbroad, unduly burdensome and calls for the production of documents that are not

1 relevant to any claim or defense in this action and not reasonably calculated to lead to
2 the discovery of admissible evidence.

3 **REQUEST FOR PRODUCTION NO. 41:**

4 All writings that support your statement to the PTO in application Serial
5 Number 76167459, that you owned the exclusive rights to the trademark "MISFITS"
6 for International Classes 16 and 41 goods.

7 **RESPONSE:**

8 In addition to the General Objections, Defendants object to Request No. 41 on
9 the ground that it seeks documents that are already in Plaintiff's possession, custody or
10 control and/or are matters of public record that are equally available and accessible to
11 Plaintiff. Defendants further object to this Request to the extent that it seeks
12 documents or information protected by the attorney-client privilege and/or work
13 product immunity. Defendants also object to Request No. 41 on the grounds that it is
14 overbroad, unduly burdensome and calls for the production of documents that are not
15 relevant to any claim or defense in this action and not reasonably calculated to lead to
16 the discovery of admissible evidence.

17 **REQUEST FOR PRODUCTION NO. 42:**

18 All writings [sic] your statement to the PTO in application Serial Number
19 76167459, that the first use of the trademark "MISFITS" for International Classes 16
20 and 41 goods was April 19, 1994.

21 **RESPONSE:**

22 In addition to the General Objections, Defendants object to Request No. 42 on
23 the ground that it seeks documents that are already in Plaintiff's possession, custody or
24 control and/or are matters of public record that are equally available and accessible to
25 Plaintiff. Defendants further object to this Request to the extent that it seeks
26 documents or information protected by the attorney-client privilege and/or work
27 product immunity. Defendants also object to Request No. 42 on the grounds that it is
28 overbroad, unduly burdensome and calls for the production of documents that are not

1 relevant to any claim or defense in this action and not reasonably calculated to lead to
2 the discovery of admissible evidence.

3 **REQUEST FOR PRODUCTION NO. 43:**

4 All writings that support your statement to the PTO in application Serial
5 Number 76152924, that you owned the exclusive rights to the trademark consisting of
6 the word "MISFITS" in stylized script for International Classes 9, 16 and 25 goods.

7 **RESPONSE:**

8 In addition to the General Objections, Defendants object to Request No. 43 on
9 the ground that it seeks documents that are already in Plaintiff's possession, custody or
10 control and/or are matters of public record that are equally available and accessible to
11 Plaintiff. Defendants further object to this Request to the extent that it seeks
12 documents or information protected by the attorney-client privilege and/or work
13 product immunity. Defendants also object to Request No. 43 on the grounds that it is
14 overbroad, unduly burdensome and calls for the production of documents that are not
15 relevant to any claim or defense in this action and not reasonably calculated to lead to
16 the discovery of admissible evidence.

17 **REQUEST FOR PRODUCTION NO. 44:**

18 All writings that support your statement to the PTO in application Serial
19 Number 76152924, that the first use of the trademark consisting of the word
20 "MISFITS" in stylized script for International Classes 9, 16 and 25 goods was
21 April 19, 1994.

22 **RESPONSE:**

23 In addition to the General Objections, Defendants object to Request No. 44 on
24 the ground that it seeks documents that are already in Plaintiff's possession, custody or
25 control and/or are matters of public record that are equally available and accessible to
26 Plaintiff. Defendants further object to this Request to the extent that it seeks
27 documents or information protected by the attorney-client privilege and/or work
28 product immunity. Defendants also object to Request No. 44 on the grounds that it is

1 overbroad, unduly burdensome and calls for the production of documents that are not
2 relevant to any claim or defense in this action and not reasonably calculated to lead to
3 the discovery of admissible evidence.

4 **REQUEST FOR PRODUCTION NO. 45:**

5 All writings that support your statement to the PTO in application Serial
6 Number 76402336, that you owned the exclusive rights to the trademark consisting of
7 a stylized skull referred to as the "Fiend Skull" for International Class 14 goods.

8 **RESPONSE:**

9 In addition to the General Objections, Defendants object to Request No. 45 on
10 the ground that it seeks documents that are already in Plaintiff's possession, custody or
11 control and/or are matters of public record that are equally available and accessible to
12 Plaintiff. Defendants further object to this Request to the extent that it seeks
13 documents or information protected by the attorney-client privilege and/or work
14 product immunity.

15 Subject to and without waiving the foregoing General and Specific Objections,
16 Defendants, upon entry of an appropriate confidentiality order, will produce
17 responsive, non-privileged documents, if any, found after a reasonable investigation
18 and which were not provided to and/or by Plaintiff in the trademark Opposition and
19 Cancellation proceedings pending before the Trademark Trial and Appeal Board.

20 **REQUEST FOR PRODUCTION NO. 46:**

21 All writings that support your statement to the PTO in application Serial
22 Number 76402336, that the first use of the trademark consisting of a stylized skull
23 referred to as the "Fiend Skull" for International Class 14 goods was October 1, 1978.

24 **RESPONSE:**

25 In addition to the General Objections, Defendants object to Request No. 46 on
26 the ground that it seeks documents that are already in Plaintiff's possession, custody or
27 control and/or are matters of public record that are equally available and accessible to
28 Plaintiff. Defendants further object to this Request to the extent that it seeks

1 documents or information protected by the attorney-client privilege and/or work
2 product immunity. Defendants also object to Request No. 46 on the grounds that it is
3 overbroad, unduly burdensome and calls for the production of documents that are not
4 relevant to any claim or defense in this action and not reasonably calculated to lead to
5 the discovery of admissible evidence.

6 Subject to and without waiving the foregoing General and Specific Objections,
7 Defendants, upon entry of an appropriate confidentiality order, will produce
8 responsive, non-privileged documents, if any, found after a reasonable investigation
9 and which were not provided to and/or by Plaintiff in the trademark Opposition and
10 Cancellation proceedings pending before the Trademark Trial and Appeal Board.

11 **REQUEST FOR PRODUCTION NO. 47:**

12 All writings that support your statement to the PTO in application Serial
13 Number 76605515, that you owned the exclusive rights to the trademark consisting of
14 consisting of the word "MISFITS" for International Class 25 goods.

15 **RESPONSE:**

16 In addition to the General Objections, Defendants object to Request No. 47 on
17 the ground that it seeks documents that are already in Plaintiff's possession, custody or
18 control and/or are matters of public record that are equally available and accessible to
19 Plaintiff. Defendants further object to this Request to the extent that it seeks
20 documents or information protected by the attorney-client privilege and/or work
21 product immunity. Defendants also object to Request No. 47 on the grounds that it is
22 overbroad, unduly burdensome and calls for the production of documents that are not
23 relevant to any claim or defense in this action and not reasonably calculated to lead to
24 the discovery of admissible evidence.

25 **REQUEST FOR PRODUCTION NO. 48:**

26 All writings that support your statement to the PTO in application Serial
27 Number 76605515, that the first use of the trademark consisting of the word
28 "MISFITS" for International Class 25 goods was April 19, 1994.

1 **RESPONSE:**

2 In addition to the General Objections, Defendants object to Request No. 48 on
3 the ground that it seeks documents that are already in Plaintiff's possession, custody or
4 control and/or are matters of public record that are equally available and accessible to
5 Plaintiff. Defendants further object to this Request to the extent that it seeks
6 documents or information protected by the attorney-client privilege and/or work
7 product immunity. Defendants also object to Request No. 48 on the grounds that it is
8 overbroad, unduly burdensome and calls for the production of documents that are not
9 relevant to any claim or defense in this action and not reasonably calculated to lead to
10 the discovery of admissible evidence.

11 **REQUEST FOR PRODUCTION NO. 49:**

12 All writings that support your statement to the PTO in application Serial
13 Number 76605840, that you owned the exclusive rights to the trademark consisting of
14 the word "MISFITS" in the same stylized script as the mark registered as Registration
15 Number 2735945 for International Class 25 goods.

16 **RESPONSE:**

17 In addition to the General Objections, Defendants object to Request No. 49 on
18 the ground that it seeks documents that are already in Plaintiff's possession, custody or
19 control and/or are matters of public record that are equally available and accessible to
20 Plaintiff. Defendants further object to this Request to the extent that it seeks
21 documents or information protected by the attorney-client privilege and/or work
22 product immunity. Defendants also object to Request No. 49 on the grounds that it is
23 overbroad, unduly burdensome and calls for the production of documents that are not
24 relevant to any claim or defense in this action and not reasonably calculated to lead to
25 the discovery of admissible evidence.

26 **REQUEST FOR PRODUCTION NO. 50:**

27 All writings that support your statement to the PTO in application Serial
28 Number 76605840, that the first use of the trademark consisting of the word

1 "MISFITS" in the same stylized script as the mark registered as Registration Number
2 2735945 for International Class 25 goods was April 19, 1994.

3 **RESPONSE:**

4 In addition to the General Objections, Defendants object to Request No. 50 on
5 the ground that it seeks documents that are already in Plaintiff's possession, custody or
6 control and/or are matters of public record that are equally available and accessible to
7 Plaintiff. Defendants further object to this Request to the extent that it seeks
8 documents or information protected by the attorney-client privilege and/or work
9 product immunity. Defendants also object to Request No. 50 on the grounds that it is
10 overbroad, unduly burdensome and calls for the production of documents that are not
11 relevant to any claim or defense in this action and not reasonably calculated to lead to
12 the discovery of admissible evidence.

13 **REQUEST FOR PRODUCTION NO. 51:**

14 All writings filed with the U. S. Patent and Trademark Office in support of your
15 registration of the Misfits Marks.

16 **RESPONSE:**

17 In addition to the General Objections, Defendants object to Request No. 51 on
18 the ground that it seeks documents that are already in Plaintiff's possession, custody or
19 control and/or are matters of public record that are equally available and accessible to
20 Plaintiff. Defendants further object to Request No. 51 on the grounds that it is
21 overbroad, unduly burdensome and calls for the production of documents that are not
22 relevant to any claim or defense in this action and not reasonably calculated to lead to
23 the discovery of admissible evidence.

24 **REQUEST FOR PRODUCTION NO. 52:**

25 All pleadings, correspondence, discovery requests, discovery responses,
26 deposition transcripts, hearing transcripts, settlement briefs, and all other material
27 produced, propounded, filed, exchanged or communicated by the parties in the course
28 of or in connection with the registration, opposition and cancellation proceedings

1 before the PTO in application Serial Numbers 76138226, 76167459, 3 76152924,
2 76402336, 76605515, and 76605840, or any of them; and/or in the course of or in
3 connection with any opposition, cancellation or other proceedings 5 related to any of
4 those applications.

5 **RESPONSE:**

6 In addition to the General Objections, Defendants object to Request No. 52 on
7 the ground that it seeks documents that are already in Plaintiff's possession, custody or
8 control and/or are matters of public record that are equally available and accessible to
9 Plaintiff. Defendants further object to Request No. 52 on the grounds that it is
10 overbroad, unduly burdensome and calls for the production of documents that are not
11 relevant to any claim or defense in this action and not reasonably calculated to lead to
12 the discovery of admissible evidence.

13 **REQUEST FOR PRODUCTION NO. 53:**

14 All writings pursuant to which the Fiend Skull design or Misfits Marks related
15 trademarks marks were transferred to Cyclopien.

16 **RESPONSE:**

17 In addition to the General Objections, Defendants object to Request No. 53 on
18 the grounds that it is based on a false premise. Defendants further object to Request
19 No. 53 on the grounds that it seeks documents that are already in Plaintiff's possession,
20 custody or control and/or are matters of public record that are equally available and
21 accessible to Plaintiff. Defendants also object to Request No. 53 on the grounds that it
22 is overbroad, unduly burdensome and calls for the production of documents that are
23 not relevant to any claim or defense in this action and not reasonably calculated to lead
24 to the discovery of admissible evidence.

25 Subject to and without waiving the foregoing General and Specific Objections,
26 Defendants, upon entry of an appropriate confidentiality order, will produce
27 responsive, non-privileged documents, if any, found after a reasonable investigation
28

1 and which were not provided to and/or by Plaintiff in the trademark Opposition and
2 Cancellation proceedings pending before the Trademark Trial and Appeal Board.

3 **REQUEST FOR PRODUCTION NO. 54:**

4 Cyclopiant's bylaws, articles of incorporation, shareholder's agreements, and any
5 modifications, amendments, or other writings changing the terms thereof.

6 **RESPONSE:**

7 In addition to the General Objections, Defendants object to Request No. 54 on
8 the grounds that it is overbroad, unduly burdensome and calls for the production of
9 documents that are not relevant to any claim or defense in this action and not
10 reasonably calculated to lead to the discovery of admissible evidence. Defendants
11 object to the extent this Request calls for documents and/or information protected by
12 the right to privacy (under California law or any other law) of Defendants and/or any
13 third party.

14 **REQUEST FOR PRODUCTION NO. 55:**

15 All writings that reflect any terms of any agreement between Caiafa and
16 Cyclopiant.

17 **RESPONSE:**

18 In addition to the General Objections, Defendants object to Request No. 55 on
19 the grounds that it is overbroad, unduly burdensome and calls for the production of
20 documents that are not relevant to any claim or defense in this action and not
21 reasonably calculated to lead to the discovery of admissible evidence. Defendants
22 object to the extent this Request calls for documents and/or information protected by
23 the right to privacy (under California law or any other law) of Defendants and/or any
24 third party.

25 **REQUEST FOR PRODUCTION NO. 56:**

26 All writings that reflect any terms of any agreement between Paul Caiafa and
27 Cyclopiant.

1 **RESPONSE:**

2 In addition to the General Objections, Defendants object to Request No. 56 on
3 the grounds that it is overbroad, unduly burdensome and calls for the production of
4 documents that are not relevant to any claim or defense in this action and not
5 reasonably calculated to lead to the discovery of admissible evidence. Defendants
6 object to the extent this Request calls for documents and/or information protected by
7 the right to privacy (under California law or any other law) of Defendants and/or any
8 third party.

9 **REQUEST FOR PRODUCTION NO. 57:**

10 All writings that reflect any terms of any agreement between Frank Licata and
11 Cyclopiian.

12 **RESPONSE:**

13 In addition to the General Objections, Defendants object to Request No. 57 on
14 the grounds that it is overbroad, unduly burdensome and calls for the production of
15 documents that are not relevant to any claim or defense in this action and not
16 reasonably calculated to lead to the discovery of admissible evidence. Defendants
17 object to the extent this Request calls for documents and/or information protected by
18 the right to privacy (under California law or any other law) of Defendants and/or any
19 third party.

20 **REQUEST FOR PRODUCTION NO. 58:**

21 All writings that reflect any terms of any agreement between Julio Valverde and
22 Cyclopiian.

23 **RESPONSE:**

24 In addition to the General Objections, Defendants object to Request No. 58 on
25 the grounds that it is overbroad, unduly burdensome and calls for the production of
26 documents that are not relevant to any claim or defense in this action and not
27 reasonably calculated to lead to the discovery of admissible evidence. Defendants
28 object to the extent this Request calls for documents and/or information protected by

1 the right to privacy (under California law or any other law) of Defendants and/or any
2 third party.

3 **REQUEST FOR PRODUCTION NO. 59:**

4 All written agreements that refer or relate to, or that reflect, or change, the
5 ownership interests of Cycloplan, Caiafa, Paul Caiafa, Frank Licata, and Julio
6 Valverde, or any of them, in the Fiend Skull.

7 **RESPONSE:**

8 In addition to the General Objections, Defendants object to Request No. 59 on
9 the grounds that it is based on a false premise. Defendants further object to Request
10 No. 59 on the grounds that it seeks documents that are already in Plaintiff's possession,
11 custody or control and/or are matters of public record that are equally available and
12 accessible to Plaintiff. Defendants also object to Request No. 59 on the grounds that it
13 is overbroad, unduly burdensome and calls for the production of documents that are
14 not relevant to any claim or defense in this action and not reasonably calculated to lead
15 to the discovery of admissible evidence. Defendants object to the extent this Request
16 calls for documents and/or information protected by the right to privacy (under
17 California law or any other law) of Defendants and/or any third party.

18 Subject to and without waiving the foregoing General and Specific Objections,
19 Defendants, upon entry of an appropriate confidentiality order, will produce
20 responsive, non-privileged documents, if any, found after a reasonable investigation
21 and which were not provided to and/or by Plaintiff in the trademark Opposition and
22 Cancellation proceedings pending before the Trademark Trial and Appeal Board.

23 **REQUEST FOR PRODUCTION NO. 60:**

24 All written agreements that refer or relate to, or that reflect, or change, the
25 ownership interests of Cycloplan, Caiafa, Paul Caiafa, Frank Licata, and Julio
26 Valverde, or any of them, in the Misfits Marks, or any of them.

1 **RESPONSE:**

2 In addition to the General Objections, Defendants object to Request No. 60 on
3 the grounds that it is overbroad, unduly burdensome and calls for the production of
4 documents that are not relevant to any claim or defense in this action and not
5 reasonably calculated to lead to the discovery of admissible evidence. Defendants
6 object to the extent this Request calls for documents and/or information protected by
7 the right to privacy (under California law or any other law) of Defendants and/or any
8 third party.

9 Subject to and without waiving the foregoing General and Specific Objections,
10 Defendants, upon entry of an appropriate confidentiality order, will produce
11 responsive, non-privileged documents, if any, found after a reasonable investigation
12 and which were not provided to and/or by Plaintiff in the trademark Opposition and
13 Cancellation proceedings pending before the Trademark Trial and Appeal Board.

14 **REQUEST FOR PRODUCTION NO. 61:**

15 All written agreements that refer or relate to, or that reflect, or change, the share
16 of revenues to which Cycloplan, Caiafa, Paul Caiafa, Frank Licata, and Julio Valverde,
17 or any of them, are entitled from exploitations of the Fiend Skull.

18 **RESPONSE:**

19 In addition to the General Objections, Defendants object to Request No. 61 on
20 the grounds that it is based on a false premise. Defendants further object to Request
21 No. 61 on the grounds that it is overbroad, unduly burdensome and calls for the
22 production of documents that are not relevant to any claim or defense in this action and
23 not reasonably calculated to lead to the discovery of admissible evidence. Defendants
24 object to the extent this Request calls for documents and/or information protected by
25 the right to privacy (under California law or any other law) of Defendants and/or any
26 third party.
27
28

REQUEST FOR PRODUCTION NO. 62:

All written agreements that refer or relate to, or that reflect, or change, the share of revenues to which Cycloplan, Caiafa, Paul Caiafa, Frank Licata, and Julio Valverde, or any of them, are entitled to receive from exploitations of the Misfits Marks, or any of them.

RESPONSE:

In addition to the General Objections, Defendants object to Request No. 62 on the grounds that it is overbroad, unduly burdensome and calls for the production of documents that are not relevant to any claim or defense in this action and not reasonably calculated to lead to the discovery of admissible evidence. Defendants object to the extent this Request calls for documents and/or information protected by the right to privacy (under California law or any other law) of Defendants and/or any third party.

REQUEST FOR PRODUCTION NO. 63:

All writings that refer to or reflect any use by plaintiff of the Fiend Skull in commerce.

RESPONSE:

In addition to the General Objections, Defendants object to Request No. 63 on the ground that it seeks documents that are already or exclusively in Plaintiff's possession, custody or control.

Subject to and without waiving the foregoing General and Specific Objections, Defendants, upon entry of an appropriate confidentiality order, will produce responsive, non-privileged documents, if any, found after a reasonable investigation and which were not provided to and/or by Plaintiff in the trademark Opposition and Cancellation proceedings pending before the Trademark Trial and Appeal Board.

REQUEST FOR PRODUCTION NO. 64:

All writings that refer to or reflect any use by plaintiff of any of the Misfits Marks in commerce.

1 **RESPONSE:**

2 In addition to the General Objections, Defendants object to Request No. 64 on
3 the ground that it seeks documents that are already or exclusively in Plaintiff's
4 possession, custody or control. Defendants further object to Request No. 64 on the
5 grounds that it is overbroad, unduly burdensome and calls for the production of
6 documents that are not relevant to any claim or defense in this action and not
7 reasonably calculated to lead to the discovery of admissible evidence. Defendants
8 object to this Request to the extent that it seeks documents or information protected by
9 the attorney-client privilege and/or work product immunity.

10 Subject to and without waiving the foregoing General and Specific Objections,
11 Defendants will produce responsive, non-privileged documents that refer to or reflect
12 use by plaintiff of the Misfits Marks in connection with his live music concerts that are
13 found after a reasonable investigation.

14 **REQUEST FOR PRODUCTION NO. 65:**

15 All writings that refer or relate to, or that reflect or evidence, plaintiff's
16 performance or recording as the Misfits.

17 **RESPONSE:**

18 In addition to the General Objections, Defendants object to Request No. 65 on
19 the ground that it seeks documents that are already or exclusively in Plaintiff's
20 possession, custody or control. Defendants object to this Request to the extent that it
21 seeks documents or information protected by the attorney-client privilege and/or work
22 product immunity.

23 Subject to and without waiving the foregoing General and Specific Objections,
24 Defendants, upon entry of an appropriate confidentiality order, will produce
25 responsive, non-privileged documents, if any, found after a reasonable investigation
26 and which were not provided to and/or by Plaintiff or his attorneys in the trademark
27 Opposition and Cancellation proceedings pending before the Trademark Trial and
28 Appeal Board.

1 **REQUEST FOR PRODUCTION NO. 66:**

2 All writings that refer or relate to, or that reflect or evidence, use of any
3 trademarks that you own to advertise or promote plaintiff's live concerts.

4 **RESPONSE:**

5 In addition to the General Objections, Defendants object to Request No. 66 on
6 the ground that it seeks documents that are already or exclusively in Plaintiff's
7 possession, custody or control. Defendants object to this Request to the extent that it
8 seeks documents or information protected by the attorney-client privilege and/or work
9 product immunity.

10 Subject to and without waiving the foregoing General and Specific Objections,
11 Defendants, upon entry of an appropriate confidentiality order, will produce
12 responsive, non-privileged documents, if any, found after a reasonable investigation
13 and which were not provided to and/or by Plaintiff or his attorneys in the trademark
14 Opposition and Cancellation proceedings pending before the Trademark Trial and
15 Appeal Board.

16 **REQUEST FOR PRODUCTION NO. 67:**

17 All writings that refer or relate to, or that reflect or evidence, the use by plaintiff
18 or persons under his control of trademarks you own to misrepresent that the Misfits
19 were performing at his live music concerts.

20 **RESPONSE:**

21 In addition to the General Objections, Defendants object to Request No. 67 on
22 the ground that it seeks documents that are already or exclusively in Plaintiff's
23 possession, custody or control. Defendants object to this Request to the extent that it
24 seeks documents or information protected by the attorney-client privilege and/or work
25 product immunity.

26 Subject to and without waiving the foregoing General and Specific Objections,
27 Defendants, upon entry of an appropriate confidentiality order, will produce
28 responsive, non-privileged documents, if any, found after a reasonable investigation

1 and which were not provided to and/or by Plaintiff or his attorneys in the trademark
2 Opposition and Cancellation proceedings pending before the Trademark Trial and
3 Appeal Board.

4 **REQUEST FOR PRODUCTION NO. 68:**

5 All writings that refer or relate to, or that reflect or evidence, any damages you
6 suffered as a result of any use of any trademark you own in connection with any live
7 performance by plaintiff.

8 **RESPONSE:**

9 In addition to the General Objections, Defendants object to Request No. 68 on
10 the ground that it seeks documents that are already or exclusively in Plaintiff's
11 possession, custody or control. Defendants object to this Request to the extent that it
12 seeks documents or information protected by the attorney-client privilege and/or work
13 product immunity.

14 Subject to and without waiving the foregoing General and Specific Objections,
15 Defendants, upon entry of an appropriate confidentiality order, will produce
16 responsive, non-privileged documents, if any, found after a reasonable investigation
17 and which were not provided to and/or by Plaintiff or his attorneys in the trademark
18 Opposition and Cancellation proceedings pending before the Trademark Trial and
19 Appeal Board.

20 **REQUEST FOR PRODUCTION NO. 69:**

21 All writings that refer or relate to, or that reflect or evidence, any effort by you
22 or anyone acting on your behalf to prevent plaintiff or anyone under his control from
23 using any trademark owned by you in connection with any live performance by
24 plaintiff.

25 **RESPONSE:**

26 In addition to the General Objections, Defendants object to Request No. 69 on
27 the ground that it seeks documents that are already or exclusively in Plaintiff's
28 possession, custody or control. Defendants object to this Request to the extent that it

1 seeks documents or information protected by the attorney-client privilege and/or work
2 product immunity.

3 Subject to and without waiving the foregoing General and Specific Objections,
4 Defendants, upon entry of an appropriate confidentiality order, will produce
5 responsive, non-privileged documents, if any, found after a reasonable investigation
6 and which were not provided to and/or by Plaintiff or his attorneys in the trademark
7 Opposition and Cancellation proceedings pending before the Trademark Trial and
8 Appeal Board.

9 **REQUEST FOR PRODUCTION NO. 70:**

10 All writings that refer or relate to, or that reflect or evidence, any effort by you
11 or anyone acting on your behalf to prevent plaintiff or anyone under his control from
12 using any trademark owned by you in connection with any matter.

13 **RESPONSE:**

14 In addition to the General Objections, Defendants object to Request No. 70 on
15 the ground that it seeks documents that are already or exclusively in Plaintiff's
16 possession, custody or control. Defendants further object to Request No. 70 on the
17 grounds that it is overbroad, unduly burdensome and calls for the production of
18 documents that are not relevant to any claim or defense in this action and not
19 reasonably calculated to lead to the discovery of admissible evidence. Defendants
20 object to this Request to the extent that it seeks documents or information protected by
21 the attorney-client privilege and/or work product immunity.

22 **REQUEST FOR PRODUCTION NO. 71:**

23 All writings that refer or relate to, or that reflect, any confusion as to whether the
24 Misfits are or were performing at plaintiff's concerts.

25 **RESPONSE:**

26 In addition to the General Objections, Defendants object to Request No. 71 on
27 the ground that it seeks documents that are already or exclusively in Plaintiff's
28 possession, custody or control. Defendants object to this Request to the extent that it

1 seeks documents or information protected by the attorney-client privilege and/or work
2 product immunity.

3 Subject to and without waiving the foregoing General and Specific Objections,
4 Defendants, upon entry of an appropriate confidentiality order, will produce
5 responsive, non-privileged documents, if any, found after a reasonable investigation
6 and which were not provided to and/or by Plaintiff or his attorneys in the trademark
7 Opposition and Cancellation proceedings pending before the Trademark Trial and
8 Appeal Board.

9 **REQUEST FOR PRODUCTION NO. 72:**

10 All writings that refer or relate to, or that reflect or evidence, any inquiries as to
11 whether the Misfits were performing with plaintiff.

12 **RESPONSE:**

13 In addition to the General Objections, Defendants object to Request No. 72 on
14 the ground that it seeks documents that are already or exclusively in Plaintiff's
15 possession, custody or control. Defendants object to this Request to the extent that it
16 seeks documents or information protected by the attorney-client privilege and/or work
17 product immunity.

18 Subject to and without waiving the foregoing General and Specific Objections,
19 Defendants, upon entry of an appropriate confidentiality order, will produce
20 responsive, non-privileged documents, if any, found after a reasonable investigation
21 and which were not provided to and/or by Plaintiff or his attorneys in the trademark
22 Opposition and Cancellation proceedings pending before the Trademark Trial and
23 Appeal Board.

24 **REQUEST FOR PRODUCTION NO. 73:**

25 All writings that refer or relate to, or that reflect or evidence, any inquiries as to
26 whether plaintiff had the right to tour and perform as the Misfits.
27
28

1 **RESPONSE:**

2 In addition to the General Objections, Defendants object to Request No. 73 on
3 the ground that it seeks documents that are already or exclusively in Plaintiff's
4 possession, custody or control. Defendants object to this Request to the extent that it
5 seeks documents or information protected by the attorney-client privilege and/or work
6 product immunity.

7 Subject to and without waiving the foregoing General and Specific Objections,
8 Defendants, upon entry of an appropriate confidentiality order, will produce
9 responsive, non-privileged documents, if any, found after a reasonable investigation
10 and which were not provided to and/or by Plaintiff or his attorneys in the trademark
11 Opposition and Cancellation proceedings pending before the Trademark Trial and
12 Appeal Board.

13 **REQUEST FOR PRODUCTION NO. 74:**

14 All writings that refer or relate to, or that reflect or evidence, any harm you have
15 suffered as a result of any use by plaintiff of any trademark you own.

16 **RESPONSE:**

17 In addition to the General Objections, Defendants object to Request No. 74 on
18 the ground that it seeks documents that are already or exclusively in Plaintiff's
19 possession, custody or control. Defendants object to this Request to the extent that it
20 seeks documents or information protected by the attorney-client privilege and/or work
21 product immunity.

22 Subject to and without waiving the foregoing General and Specific Objections,
23 Defendants, upon entry of an appropriate confidentiality order, will produce
24 responsive, non-privileged documents, if any, found after a reasonable investigation
25 and which were not provided to and/or by Plaintiff or his attorneys in the trademark
26 Opposition and Cancellation proceedings pending before the Trademark Trial and
27 Appeal Board.

1 **REQUEST FOR PRODUCTION NO. 75:**

2 All writings that refer or relate to, or that reflect or evidence, the amount of any
3 damages you have suffered as a result of any use by plaintiff of any trademark you
4 own.

5 **RESPONSE:**

6 In addition to the General Objections, Defendants object to Request No. 75 on
7 the ground that it seeks documents that are already or exclusively in Plaintiff's
8 possession, custody or control. Defendants object to this Request to the extent that it
9 seeks documents or information protected by the attorney-client privilege and/or work
10 product immunity.

11 Subject to and without waiving the foregoing General and Specific Objections,
12 Defendants, upon entry of an appropriate confidentiality order, will produce
13 responsive, non-privileged documents, if any, found after a reasonable investigation
14 and which were not provided to and/or by Plaintiff or his attorneys in the trademark
15 Opposition and Cancellation proceedings pending before the Trademark Trial and
16 Appeal Board.

17 **REQUEST FOR PRODUCTION NO. 76:**

18 All writings that refer or relate to, or that reflect or evidence, profits plaintiff has
19 received from any use of any trademark you own.

20 **RESPONSE:**

21 In addition to the General Objections, Defendants object to Request No. 76 on
22 the ground that it seeks documents that are already or exclusively in Plaintiff's
23 possession, custody or control. Defendants object to this Request to the extent that it
24 seeks documents or information protected by the attorney-client privilege and/or work
25 product immunity.

26 Subject to and without waiving the foregoing General and Specific Objections,
27 Defendants, upon entry of an appropriate confidentiality order, will produce
28 responsive, non-privileged documents, if any, found after a reasonable investigation

1 and which were not provided to and/or by Plaintiff or his attorneys in the trademark
2 Opposition and Cancellation proceedings pending before the Trademark Trial and
3 Appeal Board.

4 **REQUEST FOR PRODUCTION NO. 77:**

5 All writings and other materials identified in your initial disclosures herein.

6 **RESPONSE:**

7 In addition to the General Objections, Defendants object to Request No. 77 to
8 the extent that it seeks documentation or other information protected by the attorney-
9 client privilege and/or work product immunity.

10 Subject to and without waiving the foregoing General and Specific Objections,
11 Defendants, upon entry of an appropriate confidentiality order, will produce
12 responsive, non-privileged documents, if any, found after a reasonable investigation
13 and which were not provided to and/or by Plaintiff or his attorneys in the trademark
14 Opposition and Cancellation proceedings pending before the Trademark Trial and
15 Appeal Board.

16 Respectfully submitted,

17
18 K&L GATES LLP

19
20 Dated: January 30, 2015

By: 

Seth A. Gold
Christina N. Goodrich

21
22 Curtis B. Krasik (*pro hac vice*)
Christopher M. Verdini (*pro hac vice*)

23
24 Attorneys for Gerard Caiafa and
Cycloplan Music, Inc.

PROOF OF SERVICE

Case No. 2:14-CV-02540-RGK-RZ

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the county of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is **K&L GATES LLP**, 10100 Santa Monica Boulevard, Seventh Floor, Los Angeles, California 90067.

On **January 30, 2015**, I served the foregoing document(s):

DEFENDANTS' OBJECTIONS AND RESPONSES TO PLAINTIFF'S FIRST REQUEST FOR PRODUCTION

on the interested parties in this action by placing a true copy thereof enclosed in sealed envelope(s) addressed and sent as follows:

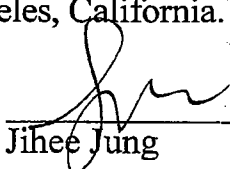
Howard E King
Stephen D. Rothschild
King Holmes Paterno and Berliner LLP
1900 Avenue of the Stars 25th Floor
Los Angeles, CA 90067-4506
310-282-8989
Attorneys for Plaintiff Glenn Danzig

☒ **BY MAIL:** (By Following Office Business Practice): I am readily familiar with this firm's practice of collection and processing correspondence for mailing. It is deposited with the U.S. Postal Service on that same day in the ordinary course of business. I placed such envelope(s) for collection and mailing on that date following ordinary business practice.

☒ **FEDERAL:** I declare that I am employed in the office of a member of the bar of this court at whose direction service was made.

I declare under penalty of perjury under the laws of the State of California and the laws of the United States of America that the above is true and correct.

Executed on January 30, 2015, at Los Angeles, California.


Jihee Jung